IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17256 OF 2005

Dated : 4th August, 2005

Between:

Syed Abdul Waheed and four others

Petitioners

AND

Asst. City Planner, Circle 5,

Municipal Corporation of Hyderabad

and another

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 17256 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondent in asking the petitioners to surrender their premises bearing Nos. 7-1-643/1, 7-1-645/12, 7-1-645/1/2/3, 7-1-644 and 7-1-645/2 situated at Sundar Nagar, Erragadda, Hyderabad without promise of compensation or without issuing any notice, as illegal and also in contravention of Sec. 146 and 147 of the Hyderabad Municipal Corporation Act, the petitioners filed this writ petition.

The case of the petitioners is that they are the absolute owners and possessors of the above said property and they are residing in the above said houses and there is no dispute of ownership. While so, the respondents have consistently been demanding for surrender of the premises for widening of road and in furtherance of such demand, the respondent No.1 went to the premises on 29.7.2005 and demanded to surrender the same on or before 10.8.2005. Therefore, the petitioners came up with the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to

follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 4, 2005

MAS.